

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 6124
Gary Karlin Michelson)	
Serial No.: 09/626,636)	Group Art Unit: 3731
Filed: July 27, 2000)	Examiner: Ryan J. Severson
For: A GUARD FOR USE IN)	
PERFORMING HUMAN)	
INTERBODY SPINAL SURGERY)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the requisite fee of \$180.00 as specified by Section 1.17(p)), is to be charged to Deposit Account 50-3726.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This application is a continuation application of Application No. 08/484,927, filed June 7, 1995, now U.S. Patent No. 6,096,038; which is a divisional application of Application No. 08/074,781, filed June 10, 1993, now U.S. Patent No. 5,484,437. In addition, Application No. 08/481,750, filed June 7, 1995, now U.S. Patent No. 5,505,732; Application No. 08/586,950, filed January 16, 1996, now U.S. Patent No. 6,436,098; Application No. 10/692,545, filed October 24, 2003, now U.S. Patent No.

7,264,622; Application No. 10/223,916, filed August 20, 2002, now U.S. Patent No. 7,399,303; Application No. 10/638,023, filed August 9, 2003, now U.S. Patent No. 7,326,214; Application No. 10/371,476, filed February 21, 2003, now U.S. Patent No. 6,875,213; Application No. 10/664,498, filed September 19, 2003, Patent Publication No. 2004/0073217; Application No. 11/252,082, filed October 17, 2005, Patent Publication No. 2006/0036247; Application No. 11/252,048, filed October 17, 2005, Patent Publication No. 2006/0058793; Application No. 11/356,868, filed February 18, 2006, now U.S. Patent No. 7,887,565; Application No. 12/012,437, filed February 1, 2008, Patent Publication No. 2008/0255564; and Application No. 12/218,856, filed July 18, 2008, Patent Publication No. 2008/0287955 all claim priority to U.S. Patent No. 5,484,437.

Applicant also brings to the attention of the Examiner the file history (the Office Actions and responses) of each of the above-identified patents and applications. While the individual Office Actions and responses are not attached hereto, they are available in each of the file wrappers in the Patent Office, through PAIR, or will be provided by Applicant at the Examiner's request.

The documents identified on the attached Form PTO/SB/08 with an asterisk "*" in the column for the Examiner's initials have been previously submitted, but are being relisted to make sure the Examiner is aware of their relationship to the present application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: April 29, 2011

By: 

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